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Situation of human rights in the territory of the former Yugoslavia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, the members of the Security Council and the International Conference on the Former Yugoslavia a report on the situation of human rights in the territory of the former Yugoslavia, entitled "Special report on the media", prepared by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, in accordance with paragraph 37 of Commission resolution 1994/72 of 9 March 1994 and Economic and Social Council decision 1994/262 of 22 July 1994.

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Annex

Situation of human rights in the territory of the former Yugoslavia

Special report on the media, submitted by the Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 37 of Commission resolution 1994/72 of 9 March 1994 and Economic and Social Council decision 1994/262 of 22 July 1994

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Introduction

1. The media in the former Yugoslavia have been among the most important tools in propagating the military conflict in the region. It is argued that the media have even been active participants in the conflict and have themselves instigated or inspired many violations of human rights and international humanitarian law.

2. In view of the gravity of these issues the Special Rapporteur has directed his staff to prepare the present Special report on the media, for presentation to the Commission on Human Rights in accordance with paragraph 37 of Commission on Human Rights resolution 1994/72 of 9 March 1994 and Economic and Social Council decision 1994/262 of 22 July 1994.

3. The report is based on a general survey of broadcast and print media in operation in all of the republics of the former Yugoslavia, except Slovenia. Since his appointment in August 1992, the Special Rapporteur has paid close attention to the question of the media in his collation of information generally and in particular during his missions to the territory; in previous reports he had expressed serious concerns regarding the state of the media in the region. 1/

4. Lack of access to certain regions of the former Yugoslavia because of the war and denial of access to others by the Government of the Federal Republic of Yugoslavia made it impossible for the Special Rapporteur to carry out an exhaustive survey and analysis of the situation of the media in the region. The Special Rapporteur therefore wishes to call to the attention of the Commission the in-depth study of the media in the former Yugoslavia, Forging War: The Media in Serbia, Croatia and Bosnia-Herzegovina. 2/

5. The Special Rapporteur also wishes to cite the helpful reports about the state of the media in the former Yugoslavia prepared by the Council of Europe, and by the Co-ordinating Centre For Independent Media of the Balkan Region in Ljubljana (sponsored by the International Federation of Journalists and the International Federation of Newspaper Publishers).

6. The Special Rapporteur takes note of the international instruments and resolutions providing for freedom of expression and opinion (see especially the International Covenant on Civil and Political Rights, art. 19 and the European Convention on Human Rights, art. 10, as well as a wide range of United Nations documents on the subject, including: E/CN.4/Sub.2/1989/26; E/CN.4/Sub.2/1990/11; E/CN.4/Sub.2/1991/9; E/CN.4/Sub.2/1992/9 and Add.1; E/CN.4/1994/33; CCPR/C/21/Rev.1 (general comment 10), and Commission on Human Rights resolutions 1984/26, 1985/17, 1986/46, 1987/32, 1988/37, 1989/31, 1990/32, 1991/32, 1992/22 and 1994/33.

7. Reference is also made to the pertinent documents of the Conference on Security and Cooperation in Europe and the Council of Europe, including the standards for freedom of the media established by the Council and its reports about the state of the media in the former Yugoslavia.

8. Finally, the Special Rapporteur notes article 20 of the International Covenant on Civil and Political Rights and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination stating that any propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is contrary to human rights and shall be prohibited by national law.

I. BOSNIA AND HERZEGOVINA

A. Media outlets in Government-controlled areas of Bosnia and Herzegovina

1. Electronic media

9. Though the numbers frequently change, there are at present two television stations and eight radio stations functioning in Sarajevo. The capital's broadcast media have been dominated by Radio-Television of Bosnia and Herzegovina (RTVB-H), which prior to April 1992 was known as RTV Sarajevo. Comprising the Republic's most powerful radio and TV channels, RTVB-H potentially has the capacity to reach almost all of Bosnia and Herzegovina's territory. However, this potential has been drastically reduced during the war by frequent attacks against the system's transmission network, by the periodic take-over of transmission facilities and by power cuts. Whereas the television station broadcast on three channels prior to April 1992, it may now be found on only one channel, which is received in a limited area including Sarajevo, Tuzla, Zenica and, just recently, Mostar.

10. RTVB-H is a State-owned public enterprise which relies heavily on government sources for its news reporting, although it also offers extensive international TV programming. It is directed by a general manager appointed, in wartime, by Bosnia and Herzegovina's Presidency.

11. The only television station now operating in Sarajevo in addition to RTVB-H is Hayat TV, a small private company with limited range such that even parts of Sarajevo itself have difficulty receiving its signal. Hayat TV, which has been on the air only intermittently over the last two years, offers programming that includes news, music, sports, interviews and movies. Its editorial board is composed exclusively of Bosnian Muslims. 3/

12. RTVB-H's radio component, Radio of Bosnia and Herzegovina, has been the Sarajevo area's main source of information and principal radio outlet during the war. It broadcasts on the FM band as well as short and medium wave frequencies, and can be heard throughout Bosnia and Herzegovina and abroad. The station often simulcasts its affiliated TV station's news programme at eight o'clock in the evening.

13. During the war the inhabitants of Sarajevo have had a considerable choice of radio programming, particularly with the addition of new stations the quantity and variety of which have improved the media climate in the capital. Were it not for the shortage of electricity and batteries, Bosnia and Herzegovina's citizens could have steady access to a substantial range of

information sources. Radio Zid, partially financed by UNESCO, is quite popular in Sarajevo for its relatively balanced news coverage, providing a wide range of sources of information. Radio 99 is privately owned and reportedly close to the main opposition party, the Social Democrats (the former Communist Party). These two stations broadcast international programmes and foreign news on a regular basis. Radio Vrhbosna, a relatively new addition, is close to Sarajevo's Croatian community and the Catholic Church.

14. There are also the stations Radio Hayat, Radio M, Radio "202", Radio Stari Grad and Radio Saigon (the army's radio station). Elsewhere in Bosnia and Herzegovina, there are several small regional radio and television stations, notably in Tuzla, Zenica, Visoko, Kiseljak and Kakanj.

2. Print media 4/

15. Two daily newspapers, Oslobodjenje and Vecernje novine, are now being published in Sarajevo. Each publishes an additional edition elsewhere in Bosnia and Herzegovina, Oslobodjenje in Zenica and Vecernje novine in Tuzla, as well as a foreign weekly edition in Slovenia.

16. Oslobodjenje, a public company owned during Communist rule by the Socialist Alliance of Working People, became a joint stock company in March 1992. In spite of the destruction of its main offices in Sarajevo by the Bosnian Serb forces 5/ in mid-1992, Oslobodjenje has been published every day during the war, and has won many international journalism and peace prizes for its accomplishments under extreme duress. Its editor-in-chief is elected by the journalists themselves, and its editorial board is multinational in composition. Oslobodjenje does not shy away from publishing criticism of government policy, although its general editorial line tends not to conflict with that of the Government.

17. Vecernje novine, with a smaller circulation, has suffered from the Republic's chronic shortage of newsprint and had managed to publish on average only two or three days a week until July 1994, when it was able to resume publishing on a daily basis. It has a multinational editorial board and tends to have a balanced editorial policy.

18. There is an encouragingly large variety of weekly journals and magazines in Bosnia and Herzegovina. Among the most prominent are BH Dani and Ljiljan. BH Dani is privately owned and appears to operate quite independently of the Government and government policy. It has developed a reputation as a professional and open-minded periodical specializing in analytical articles, and has won increasing respect both in Sarajevo and abroad.

19. The journal Ljiljan, meanwhile, is an openly Muslim publication guided by an editorial board composed exclusively of Muslims and expressing very nationalistic points of view. Other important journals include Islamski glas and Bosna, published in Zenica, and Vrelo and Zmaj od Bosne published in Tuzla. In Tuzla alone, more than 15 different newspapers reportedly have been published during the war. Stecak, published in Sarajevo, is noteworthy as a magazine expressing the opinions of Sarajevan Croats.

20. It is important also to take note of the expatriate Bosnian press, published principally in Slovenia and Germany for Bosnian refugees and other citizens living outside of the Republic. These periodicals have various political profiles, and their importance lies in their role as information sources for Bosnians working abroad and refugees who plan to return or who contribute financially to various activities in Bosnia. The most popular publications overseas are B-H Exclusive (Croatia), UNA (Croatia) and Euro-Bosna (Germany).

3. News agencies

21. Due to communication breakdowns and military assaults, journalists have often had to use information provided by the Army Press Centre, the Ministry of Interior and the Government Press Centre. Recently, Oslobodjenje News Agency (ONASA) has been created and some lines of communication with other parts of Bosnia and Herzegovina established, both of which contributed to a better flow of information.

4. Legal framework

22. The legal framework, including that governing media matters, is uncertain for the moment. Before clarifying the law applicable to freedom of the press, Bosnia and Herzegovina has to resolve the problem of the applicability of the former Yugoslav legal system. At present, the 1974 Constitution of the Republic of Bosnia and Herzegovina is still in force. In addition, since the beginning of the war in 1992, Bosnia and Herzegovina's legal framework has been revised by legislation enacted by the Presidency and later approved by the Parliament. At the same time, the Presidency adopted legislation listing the federal laws that would no longer apply in Bosnia and Herzegovina. Thus, Bosnia and Herzegovina has accepted the Federal Penal Law of the former Socialist Federal Republic of Yugoslavia, including article 133 (excepting paras. 2 through 9). 6/

23. Freedom of the press in Bosnia and Herzegovina has been and continues to be guaranteed in law by articles 177 and 178 of the 1974 Constitution. 7/ Moreover, the pre-independence republican law on RTV and the 1990 federal law on public information are still in force and have not been changed.

24. A new Constitution creating a federation on the territory of Bosnia and Herzegovina has now been adopted by the Parliament of Bosnia and Herzegovina following this year's "Washington Agreement". In the annex to the Agreement, the new Federation lists numerous international instruments, such as the International Covenant on Civil and Political Rights, which are declared to be incorporated into the new Constitution.

5. Restrictions on freedom of the media (in areas controlled by the Government)

(a) Physical attacks

25. Armed attacks against media installations have been an important element of the strategy of the Bosnian Serb forces, especially early in their offensive in the spring of 1992. Most of the 11 transmitters belonging to RTV Sarajevo (later RTVB-H) were taken over or destroyed. The transmitter on Mount Hum in Sarajevo was even attacked by JNA military aircraft several times in April and May. RTVB-H now controls just two of the transmitters in its network (at Mount Hum and Bjelasnica). Transmitter stations occupied by the Bosnian Serb forces had been reprogrammed to broadcast the signal of TV Belgrade, causing a partial information blockade in much of Bosnia and Herzegovina. It has been reported that Serbian television programming has reached some 70 per cent of Bosnia and Herzegovina's territory. 8/

26. In Sarajevo itself, RTVB-H's headquarters has been repeatedly and deliberately shelled throughout the course of hostilities. Despite this adversity, the station has continued to broadcast up to the present time, in part owing to its location in a reinforced concrete building designed to withstand attacks.

27. According to international observers, these actions by Bosnian Serb military forces were important steps in pursuing their military objectives and promoting "ethnic cleansing"; indeed, TV Belgrade, and later TV Pale and TV Banja Luka, often broadcast false or distorted information manifestly intended to justify Serb military operations and incite nationalist hatred 9/ while ignoring evidence of gross human rights violations perpetrated by the Bosnian Serb forces. The military activities against media facilities in Bosnia and Herzegovina were also an obvious attempt to create an information blockade to prevent news getting out to the rest of the world.

28. Oslobodjenje's main office in Sarajevo was deliberately shelled by Bosnian Serb forces and effectively destroyed in mid-1992. Nevertheless, the paper's staff continued to work in the cellar. The newspaper was able to continue publishing because their printing facilities were in the same basement and the staff members personally distributed the newspaper on the streets. Distribution has, however, been limited largely to the Sarajevo region. In the course of the war, Oslobodjenje has become a leading symbol of Bosnia and Herzegovina's struggle for survival. The print media in Sarajevo and throughout Bosnia and Herzegovina have suffered from a lack of essential materials and services such as fuel, newsprint, ink, printing machinery and electricity, which has made conditions of work extremely trying.

29. During the war, at least 41 local and foreign journalists and media technicians have been killed or wounded. These cases, which have received considerable coverage in the international press, represent the gravest threat to freedom of reporting, especially in those cases in which the victims were targeted precisely because of their profession.

(b) Incitement to nationalist hatred

30. Despite the relative infrequency of slurs against entire peoples in the Bosnia and Herzegovina media, in contrast with the media in other republics of the former Yugoslavia, such attacks are by no means absent from public discourse. An example was Radio Hayat's call on 5 February 1994, following the massacre at the "Markale" marketplace, for Muslims to retaliate against Sarajevo's Serbs and Croats.

31. Some media do tend to refer to entire ethnic groups in derogatory terms. For example, Sarajevo's Ljiljan journal frequently publishes articles emphasizing the divisions between peoples; it takes a hostile position on mixed marriages, portraying them as a threat to the future of the local Muslim population.

32. Reference has been made in a previous report 10/ to incitement to nationalist or religious hatred in Bosnia and Herzegovina. On 1 April 1993, the Tuzla journal Zmaj od Bosne, published an article which stated, "Instinctively, every Muslim would wish to save his Serb neighbour instead of the reverse; however, every Muslim must name a Serb and take an oath to kill him."

(c) Other forms of restriction

33. The Government has attempted to impose certain rules concerning the media's editorial policies. On 13 August 1994, the Minister of Education, Science, Culture and Sports, Enes Karic, sent an official letter 11/ to all radio and TV stations in Bosnia and Herzegovina, which read as follows:

> "In accordance with the regulations concerning the functioning of media in the Republic of Bosnia and Herzegovina during war conditions, we draw to your attention that broadcasting of music originating from countries-aggressors against our State is not permitted. That is in regard to all music material and especially to performers, whose appearance on radio and TV programmes in the territory of the Republic of Bosnia and Herzegovina causes discontent and revolt among citizens.
>
> "At the same time, the editorial offices of the radio and TV are obliged professionally and politically, within their editorial policy, to make a responsible assessment concerning the suitability of broadcasting recordings by performers who have departed from the State during the period of aggression against our country, regardless of whether they went to the aggressor side or to other countries."

34. The manager of RTVB-H recently arbitrarily removed from their posts four RTVB-H editors. The immediate reason given was the broadcasting of a controversial programme about the Secretary General of the "Children's Embassy" in Sarajevo. The dismissals provoked strong public reaction, but the decision has not been changed. In law, however, the manager does not have the right to replace RTVB-H editors without the approval of Parliament.

35. Due to journalists' lack of protection, some sensitive subjects are not reported by the media. One example was the failure to report the anarchy,

corruption and violence in the streets of Sarajevo inspired by Bosnia and Herzegovina's army commander, known to all as "Caco". As recounted in Forging War, the deputy editor of Oslobodjenje admitted to being intimidated, commenting that "the day after we ran an investigation of Caco, his people would have come and taken us all away. My rule is to do nothing which could prevent us from publishing". 12/

36. As in the other parts of the former Yugoslavia, self-censorship in Bosnia and Herzegovina is an important element. While some journalists try to maintain their professional standards, others, belonging mostly to the younger generation, tend to impose self-censorship.

37. Some Bosnian journalists attack the de facto Bosnian Serb and Croat authorities but refrain from criticizing the Government of Bosnia and Herzegovina itself. Blame for criminal activity is always cast on others, and little if any mention is made of serious criticism of the Government or of the conduct of the army.

B. Media in areas controlled by de facto Bosnian Serb authorities

38. One of the most important elements of the strategic plan of the de facto Bosnian Serb authorities in Bosnia and Herzegovina has been the creation of their own media, the main purpose of which would be to diffuse political propaganda in favour of the Serbian Democratic Party (SDS) and the de facto Bosnian Serb authorities. It is difficult even to consider these media in the context of a discussion of freedom of the media since, ab initio, they were created by force and precisely for the purpose of distorting information to serve military and political objectives.

39. These media commonly refer to "genocide" committed against Bosnian Serbs by Muslims, and to Muslims as "mujahedin" or "Islamists" seeking to impose Islam on Serbs. Killing Muslims is depicted virtually as a holy duty, the goal of which is to protect Orthodoxy. In military reports from the battlefield, the "Serbian forces" are almost always attacked and then obliged to defend themselves, rarely initiating attacks themselves against the "enemy". It is "Muslim forces" or the "ustase" (Croats, a reference to the fascist organization active in Croatia during the Second World War) who are always responsible for "provocations".

40. Television stations have been established in Pale and in Banja Luka which can be received easily in Sarajevo, and indeed in almost all of Bosnia and Herzegovina. TV Pale continually insults the population of Sarajevo, especially Muslims, referring for example to President Izetbegovic as "Balija", a profoundly offensive term in local language and a perversion of his first name, "Alija". Serbs remaining in Sarajevo are referred to as "Alija's Serbs" or "traitors to the Serbian interest and people".

41. Notwithstanding the effect of the Pale and Banja Luka stations' reporting style, 13/ the most important TV programming in the territories of Bosnia and Herzegovina under the control of the de facto Bosnian Serb authorities has been the broadcasting of TV Serbia relayed to Bosnian television sets via

transmitters wrested from the control of RTVB-H by Bosnian Serb military forces. However, it should be noted that recent political differences between de facto Bosnian Serb authorities and the Belgrade Government have resulted in a sharp reduction in TV Serbia's presence on the Bosnian airwaves.

42. The de facto Bosnian Serb authorities have also established in Pale the SRNA information agency. It has a monopoly on media information coming out of the territories controlled by Bosnian Serb forces and evidently makes a considerable effort to create confusion about the real situation there. Its reports, moreover, carry a "Sarajevo" dateline, causing yet more confusion in international and, in particular, in Serbian public opinion as to the actual military situation in Bosnia. Another cause of concern has been the adoption of the name "Oslobodjenje" for a paper based in a part of Sarajevo controlled by Bosnian Serb de facto authorities, "Serbian Oslobodjenje".

43. In addition to their takeover of much of RTVB-H's network, Bosnian Serb forces have seized several local radio stations and small publications in Bosnia and Herzegovina, replacing reporters and editors according to their own criteria of national origin and political opinion, and then using the outlets for pure propaganda purposes. These media are generally under the control of local military and political leaders.

C. Media in territories controlled by HVO (Croatian Defence Council) forces

44. All media in HVO-controlled territory in Bosnia and Herzegovina have been created with the tacit or express assistance of the Republic of Croatia. Electronic media, especially TV, generally do not produce their own programming, but report exclusively for Croatian media and broadcast directly Croatian programming. Officially, there is a television and radio station in Siroki Brijeg in western Herzegovina, but this serves essentially as a correspondent service for HTV of Zagreb. The population in this region as well as in the Croat pockets in central Bosnia tends to watch only Croatian TV.

45. In their reporting HVO-controlled outlets have used distorted and often deliberately false information. Reports have been monitored which insult Muslims generally, labelling them "balije", "mujahedin" and "fundamentalists". These media promoted discrimination, hatred and related human rights violations. Media correspondents in the Republic of Croatia (both electronic and printed) have especially contributed to national hatred. Reports about the conflict have often included only allegations of "Muslim crimes", "Muslim shelling" and "Muslim attacks".

46. In view of the creation of the new Federation, the role of these media is not clear. It appears, however, that outright promotion of discrimination and hatred, as well as insulting remarks, have been greatly reduced but not eliminated. One notable example of this positive development is in Mostar, where the mediating efforts of UNPROFOR and the European Union Administration, specifically with regard to local radio stations, have resulted in a reduction of tensions.

D. Conclusions

47. The media in the Government-controlled territories of Bosnia and Herzegovina have suffered greatly due to the military conflict. Destruction of their equipment has been deliberate and has created an information blockade on events in the country, limiting the population's access to different information sources. Political leaders of certain groups have incited their media allies to violate human rights by encouraging them to publish falsehoods and ethnic attacks and have also taken action against those whose reporting reflected other points of view. As a result, numerous media outlets have suffered assaults ranging from power cuts to the murder of journalists and technicians and air raids on transmission facilities. The great importance attached to the destruction of media facilities has revealed in stark terms the fundamental role the media have played as instruments of power and deception in the war.

48. All media in the territories under government control in Bosnia and Herzegovina lack the basic requirements for normal operations, especially in terms of equipment. They need foreign financial and technical assistance simply to survive. The independent media are in an especially difficult situation, placing the further development of democracy in Bosnia and Herzegovina at risk.

49. The Government of Bosnia and Herzegovina has not yet been able to establish a viable framework of laws to regulate the question of freedom of the media. There is a need to implement in practical ways the specific provisions of international legal instruments. Intergovernmental and other international organizations should help Bosnia and Herzegovina to develop this legal framework and monitor its implementation. The Council of Europe can play an important role in this regard.

50. There has been a tendency for the Party of Democratic Action (SDA) to exercise undue influence over the most important media, especially RTVB-H and some radio stations. The Government should be encouraged to prevent such practices and to respect internationally recognized principles regarding independence of the media.

51. The de facto Bosnian Serb authorities have been disseminating propaganda through the media under their control. The main task of these media has been to encourage political support for the SDS in order to justify their military operations and to cover up or obscure the commission of atrocities.

52. A similar attitude has been adopted by the HVO. The continuation of these editorial policies would naturally represent a serious violation of the provisions of the new Federation's Constitution and an obstacle to the functioning of the Federation.

53. Most media outlets are responsible to varying degrees for disseminating false information, and even for inciting nationalist hatred and contributing to an atmosphere of vengefulness. Such reporting has contributed to the commission of many crimes and atrocities.

54. Freedom of the media and generally acceptable conditions of work continue to depend on a political solution to the conflict. This does not mean, however,

that some freedoms cannot be fully respected even now, and that the war should serve as a pretext for abuse of the channels of communication and suppression of pluralistic initiatives. The democratic character of any political authority in Bosnia and Herzegovina may be verified, inter alia, by the degree of freedom of the media.

II. CROATIA

A. Overview of the media in the Republic of Croatia

1. Electronic media

55. The media outlet with the most important influence on public opinion in Croatia is HRT (formerly RTV Zagreb), which is the only radio and television station that broadcasts nationally. HRT is State-owned, and is financed by obligatory subscriptions paid by citizens who own television sets. The HRT General Manager is appointed by Parliament. The respective directors of the radio and TV components are appointed by the Government on the General Manager's recommendation.

56. There are other TV stations in Croatia, but of only local importance. Zagreb's second station, privately owned "OTV" (Youth TV), is distinguished by its openness to minority points of view.

57. The signal of Serb-controlled TV Banja Luka in Bosnia and Herzegovina, which carries not only its own news programme but also those of TV Belgrade, TV Pale and others, can be received in Croatia and has not been blocked by the authorities.

58. The most important radio outlet, Croatian Radio (HR), part of HRT, has a large network of stations and correspondents nationwide. State-owned, it shares HTV's tendency to reflect the decisive impact of the Croatian Democratic Community (HDZ) on the appointment of editors and on editorial policy generally. There is an impressive number of local radio stations throughout the country (well over 50), many of which have broadcast points of view critical of government policy.

2. Print media

59. There are numerous periodicals available in Croatia. Two of the four daily newspapers of national importance, Vjesnik and Vecernji list, are in part State-owned, and the two others, Slobodna Dalmacija and Glas Slavonije, are close to the ruling party, having been privatized by persons known to be sympathetic to the HDZ. The only daily with significant political distance from the HDZ is Novi list in Rijeka. Although close to the Government, it may be noted that Vjesnik, in particular, has reportedly shown greater independence in its recent editorial viewpoints.

60. Other publications include weeklies and monthlies. These include Arkzin, Danas, Feral Tribune, Globus, Nedjeljna Dalmacija, Star nove generacije, as well

as political journals such as Erasmus and Vijenac. There are also local newspapers which report chiefly on local and regional problems.

61. It should be noted that there are several predominantly Serb periodicals available to the public, including the journal of the Serbian Cultural Association "Prosvjeta", Gomirske novine, which is published partly in Cyrillic script. There are also journals published in Hungarian and other minority languages. 14/

62. According to information distributed by the Ministry of Foreign Affairs, more than 360 publications were registered in Croatia in May 1993.

B. Legal framework 15/

63. The principal legal acts regulating freedom of the media in the Republic of Croatia are the 1990 Constitution, the Radio and Television Act (July 1990), the Law on Public Information (April 1992) and the Law on Telecommunications and Post (June 1994).

64. The Republic of Croatia has acceded to the International Covenant on Civil and Political Rights, and, further, formally introduced four documents of the Council of Europe concerning freedom of the media into the legal system in 1990. 16/ Along with the adoption of these provisions, Parliament has passed other specific measures obligating the Government and other authorities to act in accordance with these international acts.

65. Article 38 of the Constitution guarantees "freedom of thought and of expression of thought specifically [including] freedom of the press and of other media of communication". By the same article, censorship is forbidden and journalists are granted freedom to report and the right of access to information.

66. Article 39 of the Constitution bears special relevance to Croatia's current political climate, in that it states that any call or incitement to war, or resort to national, racial or religious violence, as well as any form of intolerance generally, shall be prohibited and punishable.

67. Articles 16 and 17 of the Constitution allow the Croatian Parliament or the President of the Republic to restrict constitutional rights and guarantees during "a state of war or an immediate danger to the independence and unity of the Republic, or in the event of some national disaster".

68. Monopoly enterprises are prohibited in the Republic of Croatia by article 49 of the Constitution.

69. The Law on Public Information introduced high standards for media freedom. It does not, however, regulate all media, since Croatian Radio and Television (HRT) is subject to a special law, the Radio and Television Act. Article 2 of the Law on Public Information defines the public information channels as "press" and "other media". The Law establishes a seven-member oversight body, the Council for Protection of the Freedom of Public Information, with a mandate to

consider private accusations against the press, as well as objections expressed by journalists to actions of public authorities and owners of media enterprises.

70. Its own oversight council was created for HRT under the Radio and Television Act. This council consists of 35 members (15 from the parliamentary parties in proportion to their representation in Parliament, 10 from HRT itself and 10 from various social institutions). The council's mandate regarding HRT editorial policy is quite restricted and contemplates no influence, for example, on the nomination of editors. Meeting for the first time in July 1994 it is convened only rarely.

71. The Law on Telecommunications and Post was passed by Parliament in June 1994. It provides, in article 13, for the establishment of a Council of Telecommunications to be in charge of concessions of frequencies. It consists of nine members (four for three years and five for five years), appointed by Parliament on 21 October 1994 pursuant to proposals of the Government.

72. The Law seeks to prevent political parties and State organs from having free access to broadcasting frequencies (art. 55), but maintains HTV's specific entitlement to its own frequency (art. 71). It establishes rules about political propaganda (art. 63), and obliges the electronic media to report objectively, professionally, impartially, and with respect for pluralistic principles (art. 57). It also emphasizes that comments and opinions should be clearly distinguished from simple reporting.

73. The smaller stations' legal rights to broadcast were not clearly defined by previous law. This should in theory be resolved by the new Law on Telecommunications and Post. At present, new TV and radio projects appear to receive unequal treatment, depending on their political sympathies, in the process of obtaining broadcast authorization. The Government has tried on several occasions to prevent non-Government TV stations (such as TV Medjimurje and some stations in Istria) from broadcasting, while other stations in similar legal situations but controlled by the HDZ work quite undisturbed. Such is the case, for example, with Slavonian TV and Vinkovacka TV.

74. According to article 64 of the Law, the official language of radio and TV is Croatian. Programmes may, however, be broadcast in the languages of ethnic or national minorities, but only on the local level and in proportion to the minority's presence in the particular region. The law expressly stipulates that the objective of media outlets should be the promotion of Croatian cultural tradition as well as the promotion of understanding between members of national minorities and ethnic groups (art. 56).

C. Media freedom at risk

1. Economic measures

75. The process of privatization of formerly State-owned enterprises in the Republic of Croatia has been very complicated. It is being carried out in accordance with the terms of the 1991 Law on the Transformation of Socially Owned Enterprises. Certain print media, in particular, have been affected in a

negative way by this process. The governmental Agency for Reconstruction and Development has authority to impose on an enterprise in the process of privatization a management board which decides all important questions, with or without the consent of the employees. The agency also has the right to reopen privatization initiatives accomplished previously under federal law and alter their results. As has previously been observed by the Special Rapporteur, 17/ it appears that this law has been used by the Government to gain indirect control over major newspapers including Danas and Slobodna Dalmacija. These privatized newspapers have changed their editorial policies in important ways. The transformations have been challenged in other Croatian media, to no avail. Meanwhile, the main newspapers, Vjesnik and Vecernji list, have not been privatized despite the 1991 law's emphasis on the desirability of privatization.

76. Under Croatia's prevailing economic conditions it has been difficult for truly independent newspapers in Croatia to compete with those supported, either directly or indirectly, by the State. The economic situation has prevented many people from buying these newspapers, with the result that they have been unable to be profitable. They have needed external support (such as that provided by, for example, the Soros Foundation to Feral Tribune, Novi list, Arkzin and Vijenac).

77. On the other hand the survival of certain journals can be attributed to factors other than the economic situation. It is reported, for example, that Vjesnik and Danas, two publications which are now generally supportive of the Government, are heavily indebted to the State-owned Croatian Printing Company, yet no move has been made to collect the sums owed. In addition, the Ministry of Culture and Education has imposed a circulation tax of 50 per cent of revenue, until now reserved for pornographic publications, on certain political journals, such as Feral Tribune and Hrvatski tjednik.

78. Another form of pressure is judicial action against the media. Article 30 of the Law on Public Information makes publishers liable for any damage caused by articles appearing in their publications. While such a procedure is undoubtedly necessary in any democratic society, there has been concern expressed regarding its present implementation in Croatia. In some 200 cases reported to date, amounts requested by aggrieved persons tend to be enormous sums and seem deliberately exaggerated. However, in those cases which have been concluded so far the judiciary have tended to moderate the claims.

79. The inadequacy of the law in this respect can be seen in a recent case in which Vjesnik was obliged to pay compensation for publication of false information. The verdict was based on part of a statement made at a public press conference and published in the journal as a quotation. 18/ The person who actually made the statement was only ordered to pay one quarter of the amount assessed against the publisher. This judgement created the risk that journalists would resort to excessive self-censorship in their reporting in order to avoid liability for quoting third persons.

2. Monopolies

80. Croatian Television (HTV) currently has a monopoly on nationwide broadcasting through its exclusive right to national broadcasting frequencies, as well as a monopoly on the transmitters it is using. This situation is sanctioned by the Law on Telecommunications and Post. New concession holders would be required to build their own transmitters. The non-governmental organization Civil Initiative for the Freedom of Expression initiated a procedure in 1992 to examine the constitutionality of HTV's position, calling it a violation of the prohibition against monopolies.

81. The distribution of print media, meanwhile, is the monopoly of Tisak, the State-owned chain which controls most newspaper kiosks in Croatia (about two thirds of the total). This fact had a decisive influence on the existence of the weekly Danas when Tisak simply discontinued selling the magazine at a time when its editorial line was most critical of the Government. More recently, Tisak refused to distribute a controversial issue of the magazine Arkzin.

82. Printing itself is also a monopoly in Croatia, and this has been used to influence certain publications known for their critical attitude towards the Government. The dominant printing company is State-owned Croatia Printing (Hrvatska tiskara). The weekly Danas, under a new editorial board, in 1991 abandoned its criticism of the Government under pressure from the printing company.

3. Pressure on the media

83. Although censorship has been abolished, attempts continue to be made to influence the media. For example, it has not been unusual for State officials to pressure the media into using certain terminology. 19/

84. It is also noteworthy that the Public Prosecutor of Croatia has expressed more concern about the publication of information classified as "State secrets" than about the actual contents of this information, which allegedly pertain to war crimes. 20/

85. Local radio and television stations have received distinctly unequal treatment from the authorities. Some have been closed summarily owing to lack of official permission to broadcast, such as Radio Imperial of Rab Island 21/ and several radio stations in Dalmacija and Medjimurje, 22/ while others, under the effective control of the HDZ, function without any hindrance. 23/

86. In July 1993, Jasna Tkalec, a journalist from the Karlovac newspaper Nokat, was sentenced to three months in prison for spreading "false rumours". She was prosecuted, under article 191 of the Penal Code of Croatia, on the basis of an article published in 1991 in which she alleged that Croatia was reverting to earlier tendencies of fascism, and in which she discussed the persecution of Croatian Serbs.

87. As noted above, it has also been reported that some journalists have been dismissed from their jobs or transferred to other posts within the same media outlet because of their nationalities or political opinions. The case of Gordana Grbic, a former member of Parliament and well-known journalist, has received considerable attention. Ms. Grbic was moved to a post as a lawyer at HTV despite her experience as a journalist. Keeping journalists employed but moving them to other posts or putting them on "stand-by" (whereby they continue receiving salaries but do not work at all) is reportedly a frequent means of marginalizing "unsuitable" journalists.

88. There are examples as well of journals and journalists being denounced publicly and in sweeping terms for their alleged political disloyalty. The HDZ party journal Glasnik attacked Danas in 1991 by asking, "Who in fact is attempting to betray Croatia?" and responding, "If you are interested, just take a glance at Danas, regardless of which page." 24/

89. Persons who dare to criticize the current Government abroad risk being labelled as traitors and cowards who defame their people and country before the world. 25/ Last year, for example, the president of the Croatian chapter of a leading international organization of writers, PEN, gave a speech in Munich critical of the Croatian Government's policies. Rather than objectively covering the substance of his remarks, HRT broadcast an anonymous commentary attacking the speaker personally and questioning his patriotism.

90. There is a significant pattern of self-censorship practised by journalists in Croatia. Journalists who criticize the Government or prominent members of the ruling party risk being denounced as "Yugo-nostalgists", "anti-Croats", etc.

D. Incitement to national hatred

91. Although the Croatian legal system, especially article 39 of the Constitution, prohibits the publication of material advocating discrimination or racial hatred, such material continues to appear with disturbing frequency.

92. The term "Serbs" is commonly used to refer to the military forces arrayed against Croat and Bosnian forces. This usage implies the collective responsibility of the entire Serb people for the military actions of SDS forces and other Serb irregulars.

93. The general attitude pervading the Croatian media vis-à-vis the Serb people is negative. A commentary published on 24 November 1993 in Vecernji list is typical: "When and how can the Serbian intellectuals be innocent and as such ask the Croats or any of the Croatian intellectuals to let them come to Zagreb and talk? Only when they - by repentance and excuse, modestly, on their knees - redeem themselves from the crimes which have been committed by their State, no matter whether they call it Serbia or Yugoslavia, against Croatia."

94. An extreme example of intolerance may be found in Hrvatski vjesnik (an independent journal from Vinkovci) of 10 April 1994. The front page headline reads: "Serbs - be damned, wherever you are", below which appears the following text: "I congratulate all Serb readers of Hrvatski vjesnik on their holiday,

22 April, which they are celebrating in occupied Vrbograd (now called Jasenovac) [the chief concentration camp in Croatia during the Second World War]. To remind you, I publish this picture [of war criminals Ante Pavelic, Rafael Boban and Jure Francetic, who were affiliated with the ustase]. This is the beginning of the end for the criminal people in these territories, the beginning of the end for the serbs [sic], the reason for everything that has happened to us". A "poem" on the last page is an invitation to kill and rape Serbs.

95. Such material appears to be the rule rather than the exception in Hrvatski vjesnik. 26/ There has been no indication that the Attorney General has brought any legal action against Hrvatski vjesnik or its editors for incitement to hatred, although there was a wave of protest by intellectuals, journalists and various organizations. On the contrary, the State supports this journal, since it provides financial aid through advertising by the State-controlled enterprises (e.g. Croatia Insurance, Tobacco Factory Zadar, Tanker Commerce Zadar, et al.).

96. During the conflict in Bosnia and Herzegovina between HVO forces and the army of Bosnia and Herzegovina, Muslims were referred to in much of the Croatian press in terms intended to offend the entire people. This pattern contributed to hostility in Croatia against the Muslim population, including refugees. As with the term "Serbs", such usage implied the collective responsibility of all Muslims for the acts of the official forces of the Republic.

E. Media distortions

97. The media in Croatia often distort reality. For example, on 12 April 1994, Danas published an interview with Bogdan Bogdanovic 27/ which had been completely fabricated. The identity of perpetrators of atrocities has been obscured by the media who make vague accusations and unfounded allegations, thereby implying that entities other than HVO forces may be responsible. In the case of the killing of three Italian journalists in the eastern part of Mostar (which was being shelled by HVO forces at the time), Slobodna Dalmacija 28/ reported that "there is a possibility of a Muslim plot". To convince the public of their version of the truth, the media often use vaguely defined sources (as in "an official source", a "confidential source", etc.). UNPROFOR has been obliged on several occasions to deny statements reported by the media as having been made by UNPROFOR officials.

98. There have also been cases of deliberate distortion of information. The distorted reports of the destruction of the Old Bridge in Mostar and the massacre in Stupni Do have already been well described. 29/

99. Tomislav Marcinko, editor-in-chief for news programming at the State television network HTV, was quoted in Danas as saying that State television never lies, after earlier stating to Globus that "HTV lies just a little".

100. The military conflict between the Bosnian army and HVO in Bosnia and Herzegovina has been manipulated by the media. After HVO created the so-called "Croatian Community of Herceg-Bosna" (HZHB) within the territory of Bosnia and Herzegovina, certain media began to use the term routinely, referring to the

entity as a "Republic". 30/ Even today, with the new Federation established, the Croatian State-controlled media continue to refer to the institutions of "Herceg-Bosna".

F. United Nations Protected Areas (UNPAs)

101. In the United Nations Protected Areas of eastern and southern Croatia under the de facto control of Serbian military forces, freedom of the media is essentially non-existent. All electronic media were created under the auspices of RTV Serbia and local military forces, and are tightly controlled by local civil and military authorities. They must accordingly be seen principally as propaganda outlets rather than legitimate media.

102. The UNPAs have their own television station, "TV Krajina", which operates out of Knin in Sector South. Its programming is heavily influenced by the de facto Krajina authorities. It frequently broadcasts programmes of TV Belgrade and TV Pale. Each of the four sectors has its own radio outlets, similarly dominated by quite extreme nationalistic perspectives and inaccessible to alternative points of view. There are no daily newspapers published in any of the UNPAs, and the only periodical of note is a small biweekly called The Serbian Voice, whose reputation for outspokenness has reportedly led the local authorities to harass its journalists on a routine basis.

103. Since September 1994, the de facto Krajina authorities have permitted broadcasting in Sector North by a radio station, "Velkaton", which previously had broadcast from Velika Kladusa in north-western Bosnia under the auspices of the so-called "Autonomous Province of Western Bosnia". The station was relocated to Sector North after some 30,000 Bosnians fled into the sector following the defeat of the "Autonomous Province of Western Bosnia" in late August. It is reliably reported that much of the information broadcast by this station has comprised propaganda and untruths, intended to mislead listeners.

G. Conclusions

104. Owing to its legal framework and regulations which guarantee freedom of the media, the Republic of Croatia has considerable potential to promote and defend this right, while at the same time to protect against abuses. Stability in much of the Republic has allowed the development of a large number of media outlets seeking to give expression to many different points of view. Nevertheless, by different methods (economic, administrative, and even force), the Government has succeeded in controlling most of the important media outlets in the country.

105. The dissemination of misinformation continues. It is significant that, for various reasons, important social issues such as war developments, corruption and discrimination have been hidden from Croatian public opinion in the State-controlled media.

106. The monopoly in the field of broadcast media in particular is intended to be done away with in Croatia, by implementation of existing legislation and streamlining of administrative procedures. It will, however, be necessary to

establish rules for more liberal access to the State-owned media and for the creation and functioning of new broadcast media both on the local and on the national level.

107. Even where there is no formal monopoly, it is still difficult for independent enterprises to compete with State-owned media under existing market conditions. It is encouraging to note the large number of media enterprises seeking to establish themselves, but the marketplace has not yet developed sufficiently to make this a smooth process. A mass media accessible to different political viewpoints is a highly desirable goal.

108. It is recommended that Croatia puts in place, in an effective way, the legislation adopted by Parliament, especially that pertaining to resolutions and recommendations of the Council of Europe and international treaties.

109. Alternative, non-State-controlled media in Croatia are vital to the democratic evolution now under way in the Republic. A pluralistic media publishing and broadcasting different opinions is one of the surest signs of a thriving democracy. This evolutionary process will depend on the Government and leading political parties as well as on journalists themselves.

110. Croatia must be assisted by international organizations to achieve freedom for its media. It is encouraging to note that a mission of the Council of Europe concerned with media issues recently visited Croatia at the invitation of the Government. It is hoped that this will not be an isolated act, and that this kind of monitoring will be viewed as a contribution to the realization of standards necessary for free media. The Special Rapporteur notes the statement of the Ministry of Foreign Affairs that "the Republic of Croatia, like other contemporary democratic states, does not accept the proposition that the observance of human rights and fundamental freedoms is a purely internal matter which does not concern outsiders". 31/

111. There are numerous associations and NGOs dealing with freedom of the media in Croatia. Among the most important are the Croatian Journalists Association, the Civic Initiative for the Freedom of Expression, and the Croatian Helsinki Committee for Human Rights.

112. Under present economic circumstances, the non-State-controlled media and NGOs dealing with the issue need financial support for their survival. The criteria for such support should be the outlet's openness to different opinions in its editorial policy.

113. Judicial institutions in Croatia should establish standards and practices in evaluating damage caused by the media in order to establish a balance between, on the one hand, the need for responsibility, fair reporting and protection of the right to privacy and, on the other, freedom of the media and preventing economic means from being used to destroy press outlets.

III. FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)

A. Overview of the media

1. Electronic media

114. RTV Serbia (consisting of television centres in Belgrade, Novi Sad and Pristina) is the only television station broadcasting nationwide, currently on three channels. It has an exceedingly strong influence on public opinion owing to its wide range and the fact that population tends to favour television over the print media. RTV Montenegro similarly dominates the airwaves in the Republic of Montenegro.

115. The powerful position of General Manager of RTV Serbia has been held by members of the Socialist Party of Serbia (SPS) for several years. The Government has steadfastly refused to transfer the power of appointment to this position to Parliament.

116. RTV Serbia must be considered as predominantly a propaganda organ of the ruling SPS party. The Special Rapporteur has already noted the outlet's propaganda role during Serbia's last elections in his report of 10 February 1993. 32/ The lack of equal access of all political parties to the State television station has been a point of concern. RTV Serbia has been called "TV Bastille" by other political parties, and has been the cause of public demonstrations organized by SPO (the Serbian Renewal Movement) on several occasions.

117. Reports in the Serbian press indicate that during the most recent elections, on RTV Serbia's evening news SPS received 227 minutes of coverage, the United Left Coalition 34 minutes, the Democratic Opposition 12 minutes, the Democratic Party 5 minutes, the Democratic Party of Serbia nearly 4 minutes and the Serbian Radical Party 3 minutes. Only SPS received coverage during the regular part of the news, while the other parties were relegated to a special programme called "Election Chronicle". 33/

118. As the Special Rapporteur noted in his report of 17 November 1993, 34/ RTV Serbia frequently refuses to broadcast corrections or statements issued by opposition politicians and the independent press, although it is obliged to do so by the Constitution and by statute. One well-known example was the failure of RTV Serbia to broadcast even one of some 20 statements issued by the SPO when its leader, Vuk Draskovic, was arrested.

119. RTV Serbia has also performed an important political role in the de facto Serb-controlled areas of Bosnia and Herzegovina and Croatia (UNPAs). This is evidenced by the fact that all transmitters in these areas have been modified to receive and broadcast RTV Serbia programmes. The de facto authorities have, however, sharply reduced RTV Serbia's visibility in these zones because of political differences they now have with the Belgrade Government.

120. There are two privately controlled television stations in Belgrade - TV Politika and independent TV Studio B. Their impact is far less than that of RTV Serbia, since their audience is limited mainly to Belgrade (although

TV Studio B reaches about one third of Serbia). In June 1994, the competent federal ministry withdrew its earlier decision permitting enlargement of the transmitter network of TV Studio B. 35/

121. As for radio, independent stations like Radio B-92, Radio Index, Radio Politika and Radio Studio B (the first alternative radio station in the Socialist Federal Republic of Yugoslavia, founded in 1970) have not had the same impact on public opinion as RTV Serbia's State radio, again because of their limited range.

122. Recent attempts to create alternative programmes advocating peace and tolerance are especially worthy of note. "VIN" is a one-hour weekly production, supported by the Soros Foundation, which broadcasts Saturdays on TV Studio B. "Doba razuma", a programme which aims to show the horror of war, is broadcast by Radio B-92, Radio Index and Radio Studio B. This programme broadcasts reports of foreign broadcasting sources including Radio Zid in Sarajevo.

123. After the state of emergency was declared in Kosovo, the Serbian Government attempted to stifle the freedom of the Albanian-language media. The main targets of these efforts were TV Pristina and the Rilindja publishing house. On 5 July 1990, the Government prohibited RTV Pristina from broadcasting in Albanian. Approximately 1,300 journalists and other technical staff lost their jobs. A month later, the Serbian Parliament banned Rilindja, the only daily newspaper published in Albanian in Yugoslavia. Rilindja later resumed publishing abroad. At present, the only programme broadcast in Albanian in Kosovo merely translates information already broadcast in Serbian.

2. Print media

124. Print media are not as tightly controlled by the State as the electronic media, especially in Belgrade. There is a variety of newspapers, journals and magazines in the Federal Republic of Yugoslavia that operate independently of the Government. These media, in particular the independent press, do not have the potential impact on public opinion of the electronic media since they reach considerably fewer people. Politika, generally supportive of the Government, has a circulation of about 200,000, while that of the largest independent daily, Borba, is just 30,000.

125. The three main dailies (Politika, Expres Politika and Vecernje novosti) are controlled by, or are very close to, the Government. These journals habitually write the word "Muslim" with a small "m" to show lack of respect for this national community. A well-known feature column of Politika, "Echoes and Reactions", has been notorious for advocating hatred and intolerance. However, it should be noted that, although considered pro-Government, Politika has recently distanced itself from government policy.

126. The leading opposition daily, Borba, is currently threatened with being shut down. On 11 November 1994 a court ruled on a lawsuit brought by the Government, finding that the paper lacked the legal right to publish since the firm which owned it was not listed publicly as a joint-stock company. Borba's editor-in-chief has denounced the decision as a political manoeuvre meant to

stifle the paper's criticism of the Government. Borba is already pressed since it reportedly must pay 50 per cent more for newsprint than pro-Government newspapers.

127. Other weekly papers and journals have a relatively minor impact on public opinion. Some of the independent press have kept their pages free of virulent nationalism and have remained relatively objective as a result. For example, the weeklies Vreme in Belgrade and Monitor in Podgorica are quite popular on account of their generally anti-war and opposition perspectives. However, their popularity is probably greater outside Serbia among international non-governmental organizations and Yugoslav émigrés than within the country. On the other hand, weeklies like Duga and Pogledi are nationalistic notwithstanding their independence.

128. In Montenegro, the main daily newspaper is the State-owned Pobjeda.

129. Before the breakup of the former Yugoslavia, the Albanian-language press published over 20 journals regularly. Now, there are far fewer. The largest Albanian journal, Bujku, which appears twice a week, is reported to be under the influence of the Democratic Alliance of Kosovo. There are some weekly Albanian publications including Koha, Forumi, Fjala, Shendija and Zeri.

130. There is no evidence of monopoly control over the printing or distribution networks in Serbia with the exception of Kosovo. However, in Montenegro, the Pobjeda system has a monopoly on printing and distribution, and it is reported that Monitor has often had distribution problems with Pobjeda: copies of the paper are allegedly put aside to prevent their being sold.

131. There is only one producer of newsprint in the Federal Republic of Yugoslavia, the Metroz Company; this fact could have an impact on freedom of the press.

132. The Serbian Government has created an effective monopoly on the printing and distribution network in Kosovo. Through the establishment of the enterprise Panorama in May 1993 (a forced merger of three printing and publishing companies - Rilindja, Jedinstvo and Tan), the Government gained complete control over the printing facilities of certain publications. In addition, the bank accounts of journals previously published by these three houses were taken over by Panorama. As a result of the take-over, the Albanian-language journal Bujku at one time had to pay printing costs that were 10 times higher than those paid by the Serb-language journal Jedinstvo.

3. News agencies

133. Tanjug is the best known news agency, owing to its history and prominent position under the former regime. It has been used by the present Government to promote nationalist policies in Serbia. Recently, the director of Tanjug was reported to have said that Tanjug's editorial policy would be based on support for national and State interests. 36/ There are also privately owned news agencies operating in the country, including FoNet and Tiker.

B. Legal framework

134. The legal system of the Federal Republic of Yugoslavia requires analysis at both the federal and republican levels.

135. In the 1992 Federal Constitution, 37/ a number of freedoms relevant to the media are enumerated. These include freedom of conscience, of thought and of public expression of opinion (art. 35); freedom of the press, of all forms of public information, and of expression and publication of opinion in the media (art. 36); the right of correction (art. 37); prohibition of censorship (art. 38); the right of public criticism of the State and other organs, organizations and officials (art. 44); the freedom to express national affiliation and culture (art. 45); and the right to education and public information in minority languages (art. 46).

136. Rights are derogable in specified circumstances: a state of war ("imminent danger of war or state of emergency"); protection of health or public morale; protection of the rights and freedoms of others; protection of the constitutional order; and prevention of criminal offences. These rights can also be limited by article 50 of the Constitution, which prohibits the provocation of national, racial or religious hatred or intolerance.

137. The same rights are provided for in article 46 of the Constitution of Serbia, and in articles 35-37 and 43 of the Constitution of Montenegro. 38/

138. In Serbia, the main statutes concerning the media are the Law on the Basis of Public Information (28 March 1991) 39/ and the Law on Radio and Television (31 July 1991). 40/

139. Article 1 of the Law on the Basis of Public Information states that public information is free and that all persons have the right to such information. The Law contains provisions against censorship (art. 4), and guarantees the right of correction (art. 31), and the right to compensation for persons damaged by public information (art. 13). Article 13 also imposes a general obligation of truthfulness on the media, and a special duty on public media enterprises to impart information to the public promptly and impartially. Article 20 enumerates the circumstances under which public information may be banned, and grants exclusive authority to the courts to exercise this power.

140. The Law on Radio and Television deals with the regulation of frequencies. It requires that requests regarding the allocation of frequencies be addressed to the Government, and provides for an annual public hearing on the issue. The requests are decided upon by a Government-appointed commission composed of State officials and members or known supporters of the SPS. The Commission was appointed on 24 November 1994.

141. Serbian government control over frequencies was found to be unconstitutional by the Constitutional Court of the Socialist Federal Republic of Yugoslavia on 24 October 1991, but this decision has been ignored by the Serbian Government.

142. It is not clear whether the Law prohibits independent radio and TV stations altogether, or whether it merely requires that they be subject to a uniform system and the pre-eminence of the official State broadcasting company, RTV Serbia (referred to in the Law as the "Public Company"). Under the Law, RTV Serbia is financed by obligatory public subscriptions paid by TV set owners and is mandated to broadcast matters of interest to the Republic of Serbia. Article 19 imposes on the "Company" a duty to impart information to the general public truthfully and impartially, "to contribute to the affirmation of the national values of the Serbian people and other peoples and nationalities living within the Republic of Serbia" and "to contribute to the expansion of links with Serbs outside the Republic of Serbia".

143. In May 1994, the Government proposed amendments to the Law on the Basis of Public Information which would require government approval for any foreign financial and technical contributions to the media in Serbia. The amendments were voted down by Parliament, but concerns have been expressed that the initiative demonstrates the Government's intention to create an environment in which it would be difficult for independent media to survive.

C. Pressure on the media

144. In January 1994, 1,054 journalists from RTV Serbia and about 300 from TV Novi Sad were demoted to stand-by positions, and their salaries reduced by 20-40 per cent. Most of them were known for anti-Government reporting. The move was explained in terms of economic necessity, but the fact that new journalists were employed by RTV Serbia during the same period (230 in two years, 27 in January 1994 alone) has raised concerns that the true reason for the demotions was political.

145. A total of 450 journalists subsequently had their demotions rescinded and another 250 have filed objections. About 30 journalists brought proceedings against RTV Serbia, and the court declared the demotions illegal. Most of the journalists were found to have the right to compensation as well as the right to return to their previous positions. However, some of these journalists were subsequently denied entry onto RTV Serbia premises.

146. Four journalists from RTV Montenegro were suspended on 9 September 1991 by a decision of the General Manager. The Municipal Court in Podgorica decided the suspensions were illegal and ruled that the journalists should be reinstated and given compensation for the time they had lost. Although the Court's decision was to have been carried out within 15 days, it was ignored by RTV Montenegro officials.

147. Two journalists were reportedly suspended in November 1993 from Radio Tivat by a decision of the President of the Tivat Municipality in Montenegro. They were then banned from entering the station's premises and prevented from picking up their personal possessions. The reason for these actions, according to Serbian opposition journals, was that the two persons were Croats. The Constitutional Court of Montenegro has reportedly ruled the decision illegal, but the ruling was not enforced.

148. In Pancevo, two prominent editors-in-chief, of Radio Pancevo and the local journal Pancevac, known to be critical of local authorities, were dismissed late in 1993. New editors appointed to Pancevac reportedly then suspended four other journalists from the publication, banning their entry onto the premises.

149. It has been reported that persecution of journalists has been the most severe in Kosovo. Almost all former editors of Albanian origin have been persecuted by the police. Some 16 cases have been reported within the period 1992-1993. 41/

150. In Montenegro, phoned threats and insults have almost become the rule for opposition journalists, as have bomb and armed attacks on editorial premises. 42/

151. The local offices of Oslobodjenje and TV Sarajevo in Belgrade and in Novi Sad were occupied and seized by unidentified persons on 16 May and 24 June 1994 respectively, "for the needs of the media of the Serb Republic of Bosnia and Herzegovina". The competent authorities have not taken any steps to stop the illegal actions.

D. National discrimination and media distortions

152. The media in Serbia and Montenegro have fostered hostility amongst the population against other nationalities resident in the former Yugoslavia. Croats are frequently identified as "ustase" and Muslims as "mujahedin", "Islamic fundamentalists", "jihad warriors" and the like. "Enemies" are frequently called "monsters" or "beasts".

153. At the same time, the media have created a distorted picture of history and the current conflicts. Myths have been created about "bare-handed defenders of the homeland" and "Serbian righteousness". The confrontation with Croatia is portrayed as a continuation of the Second World War (and the fight against the ustase), while the struggle in Bosnia is compared to a renewed battle against the Ottoman occupation. Media references to Bosnian institutions as the "Muslim army" and the "Muslim Presidency" are intended to contribute to the climate of inter-religious and inter-ethnic conflict.

154. The media thus have sought to mobilize the population of Serbia politically. "War heroes" appear as main guests on interview programmes, telling stories of killing and generally glorifying war.

155. Most of the media in the Federal Republic of Yugoslavia practise other forms of distorted reporting as well, despite their legal obligations under the Constitution and other laws not to do so. For a long time, the Serbian public was not informed by much of its media about who was shelling Sarajevo, and indeed was offered the explanation that the bombardments were attacks staged by Bosnian Muslims to attract foreign intervention. Reporting has often been a mixture of fact and unfounded allegation. The only sources of information for some stories are Bosnian Serb military officials who offer clearly self-serving information.

156. On 16 February 1993, TV Serbia broadcast on its evening news programme part of the SKY network's report from Sarajevo. A woman was shown running down a street targeted by a sniper. In the original SKY report, the footage showed the woman being wounded and carried away by her fellow citizens. In TV Serbia's version, however, the footage stopped before the woman was shot.

157. Reports about relevant events abroad, meanwhile, are often censored or rewritten in partisan style. Foreign reports and statements which include negative opinions about official Serbian policy are censored.

158. The State-controlled media have a standard vocabulary to describe various events and institutions. Bosnia and Herzegovina is always referred to as "the former Bosnia and Herzegovina", and official titles are used for unrecognized entities like the "Republic of Krajina" and the "Republic of Srpska". There is also falsification of political offices and reporting datelines, e.g. "the President of the Republic of Srpska, Dr. Radovan Karadzic, received in Sarajevo". 43/ Radio Belgrade even broadcasts weather predictions for "Serbian Krajinas", giving this contested term an air of normality.

159. The media make frequent reference to the existence of an "international plot against the Serbs". Sanctions are generally referred to as "genocidal" and directed "against the Serb people as a whole". All statements or actions regarded as hostile to the Government are explained as "being part of the plot".

160. There are verbal attacks as well against opposition politicians, who are referred to as "bad Serbs" or "traitors". RTV Serbia, in anonymous commentaries, has attacked both the magazine Vreme and the Soros Foundation, declaring them to be enemies of Serbia.

161. The reporting of the attack on a United Nations convoy near Sarajevo on 27 July 1994 is a typical example of manipulation of news. According to the official UNPROFOR statement the convoy was attacked by the Bosnian Serb Army "with small arms and heavy machine-gun fire". One British soldier died as a result. Serbian Radio Belgrade gave a detailed report about casualties and stated that the attack had taken place near Mount Igmen, which "was under the control of Muslim forces", and that United Nations officials had not been able to determine who was responsible.

162. It should be noted that the programme "Iskre i varnice nedelje", known for its demonization of certain ethnic and religious groups and to which the Special Rapporteur referred in one of his previous reports, 44/ is no longer broadcast.

163. The Federal Government increased its isolation by revoking the credentials of 13 foreign correspondents in April 1994 (including those of CNN and AFP). The explanation given was that the journalists in question had "satanized the Federal Republic of Yugoslavia and the Serbian people". The President of the Association of Journalists of Serbia stated at the time that "it is impossible to list all the lies that the correspondents of CNN and AFP have sent to the world from this region in the last three years".

164. In support of the proposed law that would prevent foreign associations from providing financial support to media in the Federal Republic of Yugoslavia, the

State media organized a campaign in early 1994 against the Soros Foundation. Attacks appeared in the journals Pogledi, Revija 92 and Argumenti, as well as on TV Novi Sad (part of RTV Serbia). TV Novi Sad referred to the founder of the Foundation as "a Jew of Hungarian origin". The Foundation was accused of fomenting separatism because it financed Albanian-language publications. 45/ On 4 April 1994, Tanjug published an article by its Bonn correspondent alleging that the Soros Foundation financed demonstrations against Serbs in Germany. Although the Foundation issued a denial, it was not published.

E. Conclusions

165. The Federal and Republican Governments of the Federal Republic of Yugoslavia exercise firm control over the main media, especially State television. These media have served as an effective tool for the dominant political forces in formulating a new agenda based on Serbian nationalism, and in fomenting hatred against other national groups in the former Yugoslavia.

166. Most of the media in the Federal Republic of Yugoslavia still favour an exclusionary nationalistic message which disregards or even attacks the rights of other national groups. This applies equally to some media which have declared themselves to be independent.

167. The Serbian media have performed a negative role in the wars in Bosnia and Herzegovina and Croatia. They have provoked nationalist hatred. Among themes which have dominated these media outlets have been justification for military operations in neighbouring countries and the theory of an "international plot" against Serbs.

168. The structural situation with regard to the electronic media in particular is disturbing. The State has a monopoly on national broadcasting through its control of RTV Serbia, as well as on the allocation of frequencies. The absence of an independent supervisory body and a democratic procedure in the allocation of frequencies are areas of special concern.

169. The situation with regard to the printed media is considerably better in the Federal Republic of Yugoslavia, which has a variety of publications expressing a broad range of views.

170. Media fostering anti-war, pluralist and democratic positions will, however, require outside support. It will be essential to democracy in the Federal Republic of Yugoslavia, and to a resolution of the crisis throughout the former Yugoslavia, that they continue to exist and gain better access to the public. The government proposal to prevent foreign support for the media in Serbia is, therefore, particularly disturbing.

171. Professional associations of journalists should also receive support. They are often the only means by which journalists' rights can be protected, and they also contribute to the development of professional standards of journalism.

IV. THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

A. Overview of the media

172. The former Yugoslav Republic of Macedonia has so far succeeded in staying outside the military conflict in the territory of the former Yugoslavia, and its media have been neither confronted with nor subjected to the polarization of national, religious and political feelings as elsewhere in the former Yugoslavia.

1. Electronic media

173. The electronic media in the former Yugoslav Republic of Macedonia is constituted by Macedonian Radio and Television (MRTV), which is a socially owned radio and television company, and a constellation of private radio and television stations which appeared after the country declared its independence in 1991.

174. MRTV is defined in law as the Republic's socially owned, public interest broadcasting company. It is financed and controlled to a considerable extent by the State. The Macedonian Parliament appoints its General Manager. Furthermore, the General Manager has a decisive influence on the appointment of managers of both the radio and TV branches of MRTV. Macedonian TV is the only one broadcasting nationwide, with a total of 43.5 hours of programming daily on three channels. Although most of these programmes are in Macedonian, there are also programmes in five other languages. There are 60 minutes per day of programming in both Albanian and Turkish, as well as 30 minutes weekly in Vlach, Serbian and Romany.

175. Another prominent television station is called A-1. It is privately owned and broadcasts 16 hours of programming per day, although limited to the Skopje area. Its programmes cover politics and information, culture, science, education, entertainment and sport. There are numerous other private television stations throughout the country most of which share the characteristic of not having their own programming, but rather broadcast purchased satellite programming or music and films. It has been alleged that the great majority of these private TV stations broadcast such programming illegally. In the period 1991-1993, about 22 private TV stations were registered.

176. Macedonian national radio broadcasts about 85 hours of programming daily on six frequencies. There is a separate channel for non-Macedonian speakers that broadcasts daily six hours of programming in Albanian, four-and-a-half in Turkish and a total of two hours in Vlach and Romany. There is also a programme called "Biljana" for listeners abroad, which is broadcast in Albanian, Bulgarian and Greek.

177. Other radio stations that broadcast in the Macedonian language are the socially owned Radio Noma (18 hours of programming daily), belonging to the "NIP Nova Makedonia" and broadcasting mainly in the Skopje area, and the privately owned Radio Uno, which is on the air 24 hours. There are also a total

of 29 local socially owned radio stations broadcasting from the country's municipalities.

178. In the two-year period 1991-1993, 191 electronic media outlets registered: 85 radio stations, 22 television stations and 84 combined radio and television stations. However, only just over 20 of these have been granted actual permission to broadcast ("work permission").

2. Print media

179. There are three daily newspapers available throughout the State: Nova Makedonija and Vecer are published in Macedonian, and Flaka e Vlazerimit in Albanian. The newspaper Birlik, published in Turkish, is available only every second day. All four newspapers are published by the State-owned printing and publishing company Nova Makedonija.

180. The fact that this company prints most of the newspapers and magazines in the country gives it a near monopoly in the field. It is a socially owned enterprise, subsidized by the State. Since it is not considered as of "public interest", its General Manager is not appointed by Parliament but elected by the Council of Workers. The General Manager appoints the editors of the different media published or broadcast by the enterprise, and is thus in a position to control their information output. The current General Manager, appointed before 1991, has recently been re-elected by the Council of Workers.

181. Nova Makedonija is the only printing house with the technical capability to print dailies. There are other printing companies, but they have considerably less efficient systems. Also, Nova Makedonija has the biggest chain of newspaper kiosks on the national level and is in a position to control distribution of the printed media.

182. In addition to the 4 dailies, there are also approximately 15 weekly and 17 fortnightly newspapers and 48 magazines in the Republic. The two most important weeklies are Puls and Delo. In total, some 119 newspapers, reviews and magazines have been registered in the Republic in the past 4 years, nearly 100 of which have been published in Skopje.

B. Legal framework

183. The right to freedom of information is enshrined in article 16 of the Constitution proclaimed on 17 November 1991. Specifically, article 16 provides for the freedom of public information and the establishment of institutions for public information, free access to information and freedom of reception and transmission of information, the right of reply and correction, and the right to protect sources of information. By the same article, censorship is prohibited. However, article 16 has not yet been bolstered by new implementing legislation.

184. The Constitution states that all laws in place at the time of its adoption which are not in accordance with it shall be revised within one year of the Constitution's proclamation, i.e. by 17 November 1992.

185. Numerous federal and republican laws relating to the media from the period before independence are, in fact, still in force. These laws include the Republic's Law on Public Information, 46/ the Law on Radio Diffusion, 47/ the federal Law on the Import and Dispatch of Foreign Mass Media and Foreign Information Activities in Yugoslavia, 48/ and the federal Law on the Basis of Public Information. 49/

186. As a consequence, some provisions of the Law on Radio Diffusion were suspended as of 1 November 1993 by a decision of the Constitutional Court (No. U.Br. 5/92), 50/ because the Court found they were inconsistent with the new Constitution. There is an urgent need to adopt new legal acts with regard to the media, and the Government itself has stressed that the regulation of media should be a priority in Parliament.

187. The 1990 federal Law on the Basis of Public Information provides that any person can be a founder of a media outlet. The Republic authorizes the use of frequencies, and the Government has the power to register and to give "work permission" to the media.

188. Provisions relating to enforcement of media law are contained in two penal codes established on the basis of those of the former Socialist Federal Republic of Yugoslavia and the Socialist Republic of Macedonia respectively. 51/ The latter code authorizes imprisonment for spreading false news or statements (art. 208) and court warnings, fines or imprisonment for slander, revealing personal or family matters and other offences committed by the media (arts. 84-89 and 92-93). In addition, the editor-in-chief, editor, publisher and producer of any media outlet in which these offences appear may be held liable for them (arts. 27 and 28 of the federal law).

189. Recently, draft amendments to the Criminal Law of Macedonia were presented by the Government. Article 90 of the proposal ("Offence to the Reputation of the Republic of Macedonia") would provide for imprisonment of up to three years for an offence against the flag, coat of arms or national anthem, as well as for an offence against the President of the Republic, Government, Assembly, Armed Forces, or Presidents of the Assembly or Government, relating to the performance of their duties.

C. Nationalist tensions

190. While it cannot be stated that the media in the former Yugoslav Republic of Macedonia consciously and deliberately exacerbate nationalist and ethnic feelings, ethnic origin is a factor in the reporting of events by the media.

191. On 18 June 1994, a Macedonian youth was killed in Tetovo in a street fight between Albanian and Macedonian gangs. Although this incident would seem to be a matter mainly for the crime page, it received intensive and nationalistically coloured coverage that threatened to kindle strong ethnic emotions and tensions. In the days following the incident, numerous articles and announcements appeared in the daily papers, presented in such a way as to emphasize that the victim was Macedonian and the perpetrator Albanian. 52/ At the same time, certain key facts received scant attention (such as that, according to the chief of police

in Tetovo, the Macedonians had started the fight and the victim was driven to the hospital by an Albanian). Before the alleged perpetrator was arrested and the facts and motives clarified by the competent court, the media had described the suspect as a "criminal" and a "killer". Thus the media manipulated an unfortunate incident to promote ethnic distrust and tension in a region where ethnic Macedonians and Albanians coexist, although the latter are more numerous.

D. Restrictions of the freedom of the media

192. On 25 June 1994, the Ministry of the Interior adopted two decisions prohibiting the importation and distribution of three journals published by the Politika publishing company in Belgrade: the daily Vecernje novosti, a sports magazine called Tempo and a women's weekly called Bazar. The decision was taken in consultation with the Ministries of Information and Culture.

193. The official explanation for this action, offered by the Minister of Culture, Guner Ismail, was that an assessment had shown there was a "drastic imbalance" between the quantity of foreign and domestic journals. There was therefore a need to strike a "balance of presence". In addition, it was stated that "a number of newspapers and magazines, among other things, are extremely subjective and patronizing" with respect to some situations in the country. The Minister stated in conclusion that his Ministry would "proceed to take measures and steps to protect the Macedonian political, spiritual and cultural space".

194. The decision was taken by the Ministry of the Interior and not by a court. The articles published in Vecernje novosti were written by Macedonian journalists, and it was not explained which ones were tendentious, or why. It is even more curious that a sports magazine and a women's weekly were evaluated in the same manner. This incident indicates that a measure of arbitrariness currently exists in the administration of the media in the country.

195. As in the other parts of the former Yugoslavia, a pattern of self-censorship exists. Many journalists find it hard to exercise fully and consciously their newly acquired freedom; they still fear repression if they criticize the Government. An important element contributing to this phenomenon is the prevailing fear that excessive criticism might endanger the overall stability of the country.

E. Conclusions

196. The situation in the former Yugoslav Republic of Macedonia appears to be characterized by attempts on the part of the political forces to assert their influence over the major media outlets in order to secure political power. Journalists in this country are thus confronted with the challenge of developing a professional and independent media through which democracy and respect for human rights could actively be promoted.

197. Only the State has the economic power to own a television station capable of transmitting nationwide, as well as the national network of transmitters and relay stations. Private media stations, both radio and television, are of poor

professional and technical quality. Therefore, until the economy becomes strong enough to allow private investment in large-scale radio and television stations, real competition with MRTV will not be possible; the State should consequently take all necessary steps to ensure democratic access to the electronic media.

198. Due to the generally poor economic situation, aggravated by the sanctions against the Federal Republic of Yugoslavia and the Greek embargo, there are at present no private entities with the capacity to invest in new printing facilities and other equipment necessary to launch new publications. Even if there were, there is little likelihood of making a profit owing to the country's small population, not to mention its division into various ethnic and linguistic groups. In fact, it has been observed that two newspapers appearing in the Albanian and Turkish languages, Flaka e Vlazerimit and Birlik respectively, are losing money and are able to continue publishing only because the State covers their losses.

199. Appropriate legislation still remains to be adopted, not only to fully implement the freedoms enshrined in the Constitution, but also to guarantee the prevalence of public interest in the existing State-controlled media.

200. Media tirades against specific national groups in the former Yugoslav Republic of Macedonia are generally a far less common phenomenon than in other republics of the former Yugoslavia.

V. INTERNATIONAL ACTIVITIES

201. A computer-linked network of independent journalists from all of the regions of the former Yugoslavia was created in Paris in October 1992. Articles available through this network, called AIM (Alternativna informativna mreza), can be reprinted, free of charge, in any journal in the territory of the former Yugoslavia. As they are widely published, AIM represents one of the few examples of information flowing freely from one republic to another in the region.

202. Very important activities of assistance to the media have been undertaken by the Coordinating Centre for Independent Media of the Balkan Region in Ljubljana, created in April 1993 and sponsored both by the International Federation of Journalists and the International Federation of Newspaper Publishers.

203. Other international organizations have also contributed to efforts to create and help media in the territory of the former Yugoslavia. UNESCO contributed to the creation of the Coordinating Centre in Ljubljana and has also provided financial and technical support to the media in all regions of the former Yugoslavia. It recently proposed a project for the creation of an independent TV station in Sarajevo.

204. In accordance with resolutions of the General Assembly, UNPROFOR has launched a number of media initiatives in 1994 in an effort to provide residents of the various republics with accurate and impartial information regarding the peace-keeping mission and issues of current interest. UNPROFOR television

programmes in local languages are now broadcast on national television stations in Bosnia and Herzegovina, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, while it is hoped that Croatia will similarly permit the broadcasts in the near future. The peace-keeping mission also has a daily 20-minute radio programme on a local station in Sarajevo, and hopes to establish a radio station that would reach up to three quarters of the population of the mission area.

VI. GENERAL CONCLUSIONS

205. Most of the media in the former Yugoslavia are now controlled, directly or indirectly, by Governments and ruling parties, and thus are closely bound up with the formulation and defence of their nationalist policies. The tendency has been for ownership of the most powerful media - national television and daily newspapers - to become concentrated in monopolies usually dominated by the State. State television, in particular, has become the most influential weapon of information and deception in the region; it is relied upon by Governments to foment popular support, quite often through the blatant manipulation of news. Well aware of television's impact on public opinion, the authorities now in power have placed the highest priority on asserting control over the airwaves, a goal which also became the object of military activities with the onset of war in areas affected by military conflict.

206. Nationalistic rhetoric and sweeping attacks and slurs against other peoples have been the dominant feature of news propagated in the former Yugoslavia's media since the start of the conflicts. Not surprisingly, this phenomenon has led directly to the commission of fearful atrocities on the battlefields and throughout the territory. Yet, even as these have occurred, they have been resolutely denied by the same media, who have been guided far more by what is perceived as their nation's strategic interests than by any commitment to objective reporting. Governments have taken care to support such suppression of the news and indeed have required it, claiming that control of information in various forms is essential to wartime national security.

207. The identification of persons and groups as committing crimes against entire nations and the consequent implication of collective responsibility is a serious obstacle to any viable peace effort.

208. Part of the responsibility for the widespread disregard of basic principles of freedom of expression must, however, be attributed to journalists themselves. Some have willingly accepted the restrictions placed on their profession, either because of their support for the nationalist cause or merely for reasons of self-advancement. Others have felt compelled to impose on themselves forms of "self-censorship", avoiding certain subjects quite literally for purposes of self-preservation; summary dismissal from employment or even worse consequences are always a possibility should they fail to adhere to the official line.

209. If it were purely a matter of laws, there would be considerable cause for optimism. With a few notable exceptions, the legal frameworks currently in place in the various republics are generally well conceived, making ample

provision for free expression and prohibiting the advocacy of national social or religious hatred. Laws, however, require stable social foundations and a tradition of respect for the rule of law, as well as economic stability in order to flourish. The republics of the former Yugoslavia, by contrast, are caught in a tumultuous historical moment of transformation and redefinition which they have to transcend. Only when the will accompanies the word can the legal codes of the region do anything to support a climate of free and responsible expression.

210. Fortunately, the situation of the media is not entirely bad, and each republic offers examples of courageous journalists, media enterprises and non-governmental organizations working to counter the forces of unremitting nationalism and deception. At present, however, these actors are vastly overpowered, and daily run the risk of being overwhelmed by a system highly favourable to those who would manipulate expression for political purposes.

VII. RECOMMENDATIONS

211. All republics should create and implement rules concerning equal access to the State-controlled radio and television stations. Control over these stations should not be a consequence of electoral victory; the interests of the whole society should find expression there.

212. Expressions of hatred must be eliminated from the media vocabulary. The national authorities are responsible for enforcing the constitutional prohibitions on incitements to hatred. It could be suggested that some international organizations, such as the Council of Europe, should create projects to monitor the incidence of such expressions, in cooperation with national non-governmental and professional organizations. Without the elimination of incitements to hatred, a viable solution to the crisis in the former Yugoslavia will be impossible to achieve.

213. The Governments should bear responsibility for human rights violations perpetrated in accordance with editorial policy and contributions published or broadcast in the State-owned media.

214. It will be necessary to make improvements in the legislation concerning media in all the republics. The Governments should be assisted by competent international governmental and non-governmental organizations to implement certain standards of international law concerning freedom of the media.

215. An independent media, a crucial indicator of the level of democracy in the republics, needs foreign support in order to survive. Foundations concerned with the media as well as international governmental and non-governmental organizations may be willing to support such media financially, technically and professionally.

216. The Special Rapporteur encourages in particular projects offering help from democratic countries to the media in the former Yugoslavia, and especially Bosnia and Herzegovina. This solidarity could be expressed in terms of both

technical and professional aid in establishing standards and in defending the rights of professionals in the field.

Notes

1/ See, e.g., the report of 28 August 1992 (E/CN.4/1992/S-1/9), para. 47: "Rumours and disinformation are not only widespread, they are a crucial element of the present situation in the former Yugoslavia, greatly contributing to ethnic hatred and fuelling the desire for revenge that is one of the main causes of the atrocities which occur. With rare exceptions, the national media in all of the countries visited tend to present news concerning the conflict and human rights violations in a manner which can only be described as distorted. Consequently, the general public has no access to reliable, objective sources of information. Among the international press, there is a tendency to emphasize the most sensationalistic aspects of the situation, thus reinforcing the distrust and tension which prolong the conflict."

2/ Mark Thompson, Forging War: The Media in Serbia, Croatia and Bosnia-Herzegovina, Article 19: International Centre Against Censorship (The Bath Press, United Kingdom, May 1994).

3/ Bosnian Muslims, as a nation, have officially changed the name at the beginning of this year, to "Bosnjak - Bosnjaci"; English: "Bochnyak(s)".

4/ An analysis of the political messages carried by Sarajevo's daily press and journals during the war was prepared by Professors Rudi Stojak and Dinka Resic of the University of Sarajevo in February 1994. Financed by the Soros Foundation's Open Society Fund for Bosnia and Herzegovina, the study does much to clarify misconceptions about Bosnia and Herzegovina's media. Due to its comprehensive character, the report's findings cannot be quoted at length, but some of its conclusions served as guidelines for the present report.

5/ The terms "Bosnian Serb forces" or "de facto Bosnian Serb authorities" used in this report, unless otherwise indicated, refer only to Bosnian Serbs who are in the military or civilian service of the de facto administration which has its political headquarters at Pale. In particular, no reference is intended or implied to any Bosnian Serbs who are loyal to the Republic of Bosnia and Herzegovina.

6/ This Regulation of the Presidency was published in the Official Journal of Bosnia and Herzegovina No. 2/52 (art. 17) of 11 April 1992.

7/ Official Journal of the Socialist Republic of Bosnia and Herzegovina No. 4/1974 of 25 February 1974.

8/ L'Organisation Internationale des Journalistes, Reporters and Media in Ex-Yugoslavia (Paris: Les Cahiers de l'Organisation Internationale des Journalistes, 1993), p. 96, cited in Thompson, p. 208.

9/ See Thompson, op. cit., pp. 101-105.

10/ E/CN.4/1994/3, para. 72.

11/ No. 08-34B/94.

12/ Thompson, op. cit., p. 217.

13/ The following commentary by Mira Iolic-Mocevic on the TV Banja Luka evening news on 2 May 1994 illustrates its reporting style:

"That the world media reporting about a war in former Bosnia and Herzegovina failed an examination in journalism can be illustrated by some examples, among them today's broadcast of the American TV network CNN. This network has taken a one-sided, i.e. Muslim, approach to what happens in Bosnia and Herzegovina's war. Today it reported about two events. It was again tendentious, one-sided and unprofessional. [Shown here is the CNN footage, but without the soundtrack of people attending mass at the Orthodox Church in Sarajevo.] Reporting about the celebration of Orthodox Easter, CNN showed the Orthodox Church in the Muslim part of Sarajevo, and the point was made that it was attended by no less than a representative of the Muslim Government, Haris Silajdzic. This fact for us Serbs is insignificant, except that this non-believer was in a Serbian holy place where he should not have been. In this church, there should also not have been space for many others, including CNN itself. But CNN would not be CNN if it had not done it this way.

"... Reporting about 1 May, CNN stated that many people gathered in Sarajevo to celebrate Labour Day. The farce is continued by coverage of the planting of a tree of peace. And all this happened [a Reuters' report from Doboj depicting wounded people is shown, also without the original sound] while Muslims were shelling Doboj with grenades and killing innocent Serbian civilians.

"This confirms that Muslims think in one way and act in another, and that in all of this they are, unfortunately, supported, followed and given media coverage by the American TV network CNN."

14/ In Osijck, Magyarkepes Ujsag.

15/ See also Rapport de la mission de l'équipe d'experts du Conseil de L'Europe chargée d'examiner le cadre legislatif, réglementaire et administratif des média en Croatia (May 1993).

16/ Resolution 428 (1970) containing a declaration on mass communication media and human rights; Recommendation 834 (1978) of the Parliamentary Assembly on threats to the freedom of the press and television; Declaration on the Freedom of Expression and Information; Recommendation R(81)19 of the Committee of Ministers to member States on the Access to Information of 29 April 1992 held by Public Authorities of 25 November 1981.

17/ E/CN.4/1994/47, para. 135.

18/ See Viesnik (10 and 18 April 1994).

19/ See HRTV news of 10 December 1993 (reaction to an article in Vjesnik on the same day).

20/ Vjesnik (January 1994).

21/ Novi list (23 March 1994).

22/ For more details see Vjesnik (April 1994) and Globus (25 March 1994).

23/ See also Feral Tribune (18 April 1994) and Novi list (4 February, 16 February, 17 February and 2 March 1994).

24/ Glasnik (20 September 1991).

25/ See Vjesnik (14 April 1994).

26/ Novi list (19 March 1994).

27/ A former mayor of Belgrade and a famous architect, lives in exile.

28/ 30 January 1994.

29/ For a more detailed analysis, see Thompson, op. cit., pp. 166-167.

30/ See HINA (Croatian Information Agency) reports, for example that of 30 January 1994.

31/ Facts about the Media in Croatia, Information department of the Ministry of Foreign Affairs of the Republic of Croatia (May 1993), p. 7.

32/ E/CN.4/1993/50, para. 147.

33/ "Right on Picture & Word", Republika, No. 87-88 (March 1994), p. 6.

34/ E/CN.4/1994/47, para. 177.

35/ Radio B-92, "Nocnik", 27 June 1994.

36/ Borba (4-5 June 1994).

37/ Published in the Official Journal of the Federal Republic of Yugoslavia No. 1/92.

38/ Published in the Official Journal of the Republic of Montenegro No. 48/92.

39/ Published in the Official Journal of the Republic of Serbia, No. 19 (1991).

40/ Published in the Official Journal of the Republic of Serbia, No. 48 (1991).

41/ See Information Under Control: The Media Crisis in Montenegro and Kosovo. Report of the International Federation of Journalists/International Federation of Newspaper Publishers mission, 21-25 November 1993, appendix 2.

42/ See the very detailed report Attacks on Journalists and the Media: Montenegro (1990-1993), prepared by the Independent Association of Professional Journalists of Montenegro on 6 December 1993 and published in Information Under Control: The Media Crisis in Montenegro and Kosovo, ibid., appendix 1.

43/ Politika (12 January 1994).

44/ See E/CN.4/1994/110, para. 125.

45/ In reality, the Foundation finances about 50 media in the Federal Republic of Yugoslavia, which operate in a number of different languages.

46/ Issued on 25 April 1974 and published in the Official Journal of the Socialist Republic of Macedonia No. 20/74.

47/ Published in the Official Journal of the Socialist Republic of Macedonia No. 29/74.

48/ Issued on 23 July 1974 and published in the Official Journal of the Socialist Federal Republic of Yugoslavia No. 39/74. An additional republican law on the implementation of this federal law was issued on 13 July 1979 and published in the Official Journal of the Socialist Republic of Macedonia No. 25/79.

49/ Issued on 28 December 1990 and published in the Official Journal of the Socialist Federal Republic of Yugoslavia No. 84/1990.

50/ Published in the Official Journal of the Republic of Macedonia No. 69/1993. The articles suspended are Nos. 2, 3, 5 (para. 2), 6, 10, 17, 20 (para. 2), 22 (para. 1), 24-27, 35, 36, 42 and 43.

51/ Published in the Official Journal of the Socialist Republic of Macedonia No. 25/1977 and revised many times, most recently in 1993.

52/ For example, an article published on 2 July 1994 in Nova Makedonija stated, "While there was tension in Cupino Brdo, where the Yugoslav army occupied some of our territory, there was a murder in Tetovo. An Albanian killed a Macedonian. The citizens were worried. Is it happening to us now ...?"